

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 11-cr-40028-JPG

DEVARIO M. GALE,

Defendant.

MEMORANDUM AND ORDER

This matter comes before the Court for case management purposes. On June 2, 2011, the Court ordered a competency exam of defendant Devario Gale and allowed 30 days for the exam. In a letter dated July 18, 2011, the psychology staff at the Metropolitan Correctional Center requested an additional 15-day period, up to and including August 22, 2011, to complete the exam. The psychology staff also informed the Court that its report would be completed by September 12, 2011. By letter dated July 27, 2011, the Court allowed the additional 15-day period. It appears the exam has been completed, and Gale will be back in the district shortly. Accordingly, the Court **ORDERS** that a competency hearing be held at 10:30 a.m. on September 15, 2011, in Benton, Illinois.

Because it is necessary to determine Gale's competency to stand trial before Gale can be tried, the Court **FINDS** that the ends of justice served by conducting the competency proceedings outweigh the public's and the defendant's right to a speedy trial and that the delay necessary to allow for the competency proceedings (up to and including the hearing on September 15, 2011) is **EXCLUDABLE** under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A).

IT IS SO ORDERED.
DATED: August 30, 2011

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE